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The California Triangle is balanced. Although the focus of the publication is news and political analysis, those who have contributed to the gay and lesbian richness will be recognized as mentors and leaders for all of Northern California.

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Lambda Letters Project

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Vol. 8, No. 3 March, 2000 www.lambdaletters.org LambdaLP@aol.com (916) 965-6851

Life After March 7th

by Boyce Hinman, Administrator

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

—Article IV of the U.S. Constitution

At this point (late February) it seems possible that the Knight Initiative (Proposition 22) might pass on March 7th. If so, what is the likely fall out for the lesbian, gay, bisexual, and transgendered community?

We have often heard that a successful Proposition 22 might be used in court to overturn California's recently enacted domestic partner registration bill, AB 26. This bill set up a statewide registry of domestic partners and allows state and local governments to offer domestic partner health benefits to their employees and retirees. Might AB 26 and other domestic partner benefits bills be threatened with court action? Only time will tell. However, most of those bills were clearly designed as separate from marriage. It seems unlikely that a proposition on marriage could be used to get the courts to repeal laws on domestic partnership.

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Unused Domestic Partner Health Benefits

by Boyce Hinman, Administrator

AB 26 (Carole Migden, D–San Francisco) was passed last year. It allows Californians to register as domestic partners. State employees and some local government employees may also apply for employer-provided health insurance for their domestic partners.

Enrollment for active government employees will be done through the employer's personnel office; enrollment for retirees will be done through the Public Employees' Retirement System (PERS). Active employees are eligible for health, vision, and dental insurance, while retirees are eligible for health and dental insurance.

According to PERS the California State University system (CSU) and 11 local or regional governments have taken the necessary steps to offer domestic partner health benefits to their employees. PERS says 1,300 local public agencies (any agencies that are served by PERS) are permitted to offer domestic partner health benefits to their employees.

However, PERS reports that as of early February only 35 active employees and 5 retirees have signed up for the domestic partner health benefits made available

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Lambda Letters Progress Report

Messages Collected	
January, 2000	15,310 letters & e-mails
In all of 2000	15,310 letters & e-mails
Dollars Spent	
January, 2000	$1,258
In all of 2000	$1,258

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

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Lambda Letters Project

Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in the mainstream of American society now, exercising all the privileges and responsibilities thereof.

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People of Color Issue

New Reasons for Death Penalty Moratorium

by Marty Martinez

Opponents of the death penalty have long believed that it is applied unfairly based on race and that innocent people are often condemned to death. New evidence has surfaced recently to support that claim. The key is the new widespread use of DNA evidence. Throughout the nation, opponents of the death penalty—including law students and lawyers working pro bono—have re-examined the evidence that lead to death row convictions and, in a disturbing number of cases, found that the evidence shows the convicted person did not commit the crime.

The most high-profile example is Illinois, where Republican Governor George Ryan had imposed a moratorium on the state's death penalty pending an inquiry into why more death row inmates have been exonerated than executed since capital punishment was reinstated in the state 23 years ago. Governor Ryan said the system is "fraught with errors" and "broken." Since capital punishment was reinstated, 13 death row convicts were exonerated and only 12 were executed. Many of those exonerated were cleared by new DNA evidence that determined they could not have committed their crimes.

This issue is serious, particularly for people of color who arguably are more likely to be falsely convicted of a crime than are whites. President Clinton said at a recent news conference that although he opposes a moratorium on federal death penalty cases, if he were still a governor he would seriously consider imposing a moratorium. He also highly praised Governor Ryan's decision.

Governor Gray Davis makes fighting crime a high priority and is unlikely to impose a moratorium on death penalty cases to show that he is a staunch death penalty supporter. But the governor needs to be reminded, as President Clinton went on to say, that "people who support the death penalty, it seems to me, have an especially heavy obligation to see that, in cases where it is applied, there is no question of whether the guilt was there." Please sign the enclosed letter to help remind him.

###

Lesbian/Gay/Bisexual/Transgender Issue

Counting Hate Crimes in Schools

by Christopher Calhoun

You wouldn't want your pilot to take off without a map. You wouldn't even embark on a family outing without at least a good sense of the direction in which you were heading. But the California Legislature and the California Department of Education have done exactly that in relation to hate crimes in California schools. Legislators, education bureaucrats, and school district officials are all in agreement: hate crimes in school are a terrible thing. Just terrible. But nobody really knows how many of them there are, where they take place, or whether they're even increasing or decreasing.

And here's the dirty little secret: a lot of the interested parties simply don't want to know.

Every year by March 1st, the Department of Education submits a report on crime in California schools, called the California Safe School Assessment (CSSA), and every year there's an interesting oversight in the CSSA: it doesn't even mention hate crimes.

Why is this important? Well, the folks at the California Department of Education do a good job explaining why the CSSA is important:

"The goal of the California Safe School Assessment (CSSA) is to collect consistent, accurate, objective school crime data for the purposes of developing, implementing, and assessing school safety strategies and programs. All public school districts and county offices of education (COEs) report school crime data to CSSA using a standard incident reporting form. CSSA provides an extensive training and technical assistance program to ensure data are collected and reported consistently and accurately throughout the state."

In other words, the CSSA actually helps schools understand, respond to, and prevent crime.

But why wouldn't the Department of Education include hate crime as a category? Is it because the Department of Education is unaware that hate crimes are a large problem in the juvenile population? Hardly—it's common knowledge among educators, hate crimes experts, and the human relations community

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Women's Issue

Closing a Sexual Harassment Loophole

by Adrienne Lauby

Last December, the California Supreme Court declared that although supervisors and employers could be held personally liable for sexual harassment of workers, non-supervisory coworkers could not.

Harassment is most difficult when it comes from someone with direct power, but peers and those in less powerful positions can also turn a decent job into a nightmare. Assemblymember Sheila Kuehl (D–Encino) has introduced AB 1856 to give non-supervisory workers the same potential penalties.

Sexual harassment affects working women differently and to varying degrees*. Consider these actions that can be deemed sexual harassment and think about the women who may experience them. Any woman can encounter these behaviors:

Pressure for sexual activity. Young women work in the lowest paid jobs and have the least experience with harassers. Although they make up only 1 in 50 of all female workers, young women experience 30 percent of the harassment.

Disparaging remarks to a person about his/her gender or body. From construction workers to neurosurgeons to judges, women in nontraditional jobs are harassed to remind them that their presence is unwelcome.

Sexual innuendoes, jokes, or comments. In a year-long survey in 1991, 44 percent of enlisted women in the Navy reported being harassed. Military women report similar behavior in other service branches and research shows sexual harassment at the same or higher rate in 1999.

Making suggestive facial expressions such as licking lips or wiggling the tongue. Immigrant women, especially if undocumented, may lack English and knowledge of U.S. law. Often having less money and weaker support systems, they can be easy prey for harassers.

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* Note: Dr. Nancy Wyatt at Penn State University has prepared an excellent summary of information on sexual harassment. It can be accessed on the Web at www.de.psu.edu/harass/intro.htm or ordered directly from her at (610) 892-1428.

HIV/AIDS Issue

Urging Governor Davis to Increase HIV/AIDS Care, Services Funding

by Carolynn Race

In January 2000, Governor Gray Davis released his proposed FY 2000–2001 budget. In his proposal, while recommending additional funding for the AIDS Drug Assistance Program and for Medi-Cal expansion, he flat-funded virtually all HIV/AIDS care and prevention services. In a time when more Californians are living with HIV and AIDS than ever before, it is of paramount importance that our state government do all in its power to respond to the expanding needs of the epidemic, care for those living with HIV, and work to prevent future infections.

AIDS advocates are grateful that his budget plan includes an increase in the budget for the AIDS Drug Assistance Program (ADAP), which provides HIV drugs to those who could otherwise not afford them. In addition, advocates lauded the governor's inclusion of $4.8 million in new funds to implement legislation signed last year—AB 155 (Carole Migden, D–San Francisco), which allows disabled individuals, including those with HIV disease, who enter the workforce to maintain their Medi-Cal benefits. However, these proposals do not fully address California's increasing need for care and prevention services.

Fortunately, this proposal is simply a blueprint of the governor's budget plans. In May, after conferring with legislators, constituents, and others, Governor Davis will release a revised budget proposal. Please write and encourage the governor to include funding for HIV care and prevention services in his May budget revision.

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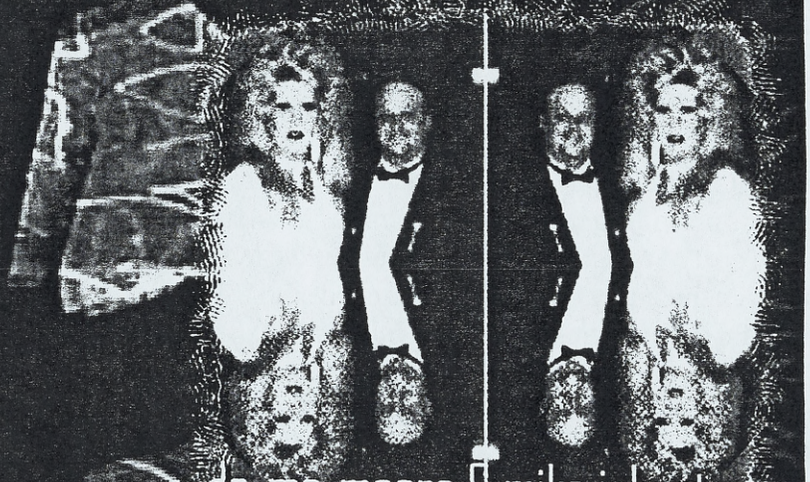

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March Legislative Update

The following is the list of important state bills that we are aware of at this time. We acknowledge with gratitude that some of the information in the following list was provided Eric Astacaan of the California Alliance for Pride and Equality (CAPE) and Peter Meckler of the office of Senator John Burton.

All new bills for this year had to be introduced no later than February 25th. Any additional bills will have to wait until next year before they can be introduced.

HIV/AIDS Issues

AB 16 (Mike Honda, D–San Jose)
Purpose: Under current law the state and counties split the costs of providing publicly funded in-home supportive services for aged blind and disabled persons. However, if the counties or the agencies they contract with to provide the services grant a pay raise to the workers providing the care, the counties must foot the whole cost of the raise. This bill changes the law to say that even these pay raises will be funded equally by the state and the counties. Note: The budget just passed allows the state to pay 50 cents of any pay raise. The author is still pushing this bill to get the state to pay 50 percent of any pay raise.
Status: Passed by the Assembly. Is a two-year bill in the Senate Appropriations Committee suspense file. Probably will not be voted on by the committee till May.
LLP Position: Support.

AB 142 (Kevin Shelley, D–San Francisco)
Purpose: To require that every health care service plan provide medical care in accordance with accepted medical practices and provide emergency health care services, and to ensure confidentiality of the medical information of an enrollee. Plans must provide access to a wide variety of primary health care providers and specialty health care providers to ensure that the enrollee is able to choose a qualified doctor or other health care provider.
Status: Approved by the Assembly. Is a two-year bill in the Senate suspense file. Probably will not be voted on by the committee till May.
LLP Position: Support.

AB 306 (Ellen Corbett, D–Hayward)
Purpose: To create the California Methamphetamine Reduction and Rehabilitation Fund through a tax on certain chemicals. The funds would provide grants to community-based groups and nonprofit health clinics that provide drug treatment and rehabilitation. Targets HIV-positive people and others.
Status: In Assembly Appropriations Committee. Died because it was not approved by its house of origin by January 31st.
LLP Position: Support.

AB 499 (Dion Aroner, D–Berkeley)
Purpose: To require the state Department of Health Services to establish a pilot program to test the effectiveness of providing an assisted living benefit to low-income beneficiaries, including those with AIDS, under the Medi-Cal program.
Status: Approved by the Assembly and sent to the Senate. Assigned to the Senate Health and Human Services Committee. No hearing date set yet.
LLP Position: Support.

AB 591 (Howard Wayne, D–San Diego)
Purpose: To require health care service plans and certain disability insurers to cover routine patient costs related to treatment in a clinical trial of experimental medications.
Status: Is in the Senate Appropriations Committee. No action expected until June.
LLP Position: Support.

AB 1722 (Martin Gallegos, D–City of Industry)
Purpose: Previously passed legislation says that health care service plans can't stop covering a medication for a patient while the patent is under treatment for a particular ailment for which that drug has been prescribed. This legislation adds that the health care

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March Legislative Update

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provider cannot increase the copayment or other deductible for the medication during the course of treatment of a disease for which the medication has been prescribed.
Status: Was introduced January 4th. Probably will be heard in the Assembly Health Committee. No hearing date set yet.
LLP Position: Support.

AB 1730 (Nell Soto, D–Ontario)
Purpose: To require every health care service plan to approve, modify, or deny—within 24 hours—a request for referral to a specialist for a patient facing an imminent and serious threat to his or her health.
Status: Introduced in early January. Will be heard in the Assembly Health Committee on March 14th.
LLP Position: Support.

AB 1745 (Nell Soto, D–Ontario)
Purpose: To require the completion of a one-semester course in health education as a requirement for high school graduation.
Status: Assigned to the Assembly Health Committee. No hearing date set yet.
LLP Position: Support.

AB 1798 (Audie Bock, I–Oakland)
Purpose: To collaborate with Alameda County to implement a pilot program to fund clinics that provide screening and harm-reduction services for HIV; also to provide screening and harm-reduction services for hepatitis.
Status: Introduced January 27th. Probably will be assigned to the Assembly Health Committee.
LLP Position: Support.

AB 1955 (Carol Migden, D–San Francisco)
Purpose: To ask the federal government to provide funds for the design, establishment, and operation of a state program to offer medical assistance to workers with potentially severe disabilities.
Status: May be assigned to Assembly Health Committee. No hearing date set yet.
LLP Position: Tentative support pending additional information.

SB 848 (John Vasconcellos, D–San Jose)
Purpose: To require the state Department of Health Services to establish a voluntary program for the issuance of identification cards to qualified patients and would establish procedures under which those patients may use marijuana for medical purposes.
Status: Passed the Senate. Is a two-year bill on the floor of the Assembly. No action on the bill is expected soon.

SB 1258 (Richard Polanco, D–Los Angeles)
Purpose: To require California to solicit approval from the federal government for California to provide Medi-Cal coverage to individuals who are HIV-positive, but who do not have AIDS. Current federal regulations limit the provision of Medi-Cal to people who have AIDS or who are otherwise disabled.
Status: Passed by the Senate. Is a two-year bill in the Assembly Appropriations Committee. The author is negotiating with others to find changes in the bill needed to get enough votes to pass the bill. No votes on the bill expected for a couple of months.
LLP Position: Support.

Lesbian/Gay/Bisexual/Transgendered Issues

AB ???? (Fred Keeley, D–Santa Cruz) [Bill number not assigned yet]
Purpose: To amend the California Fair Employment and Housing Act to prohibit employment and housing discrimination against transgendered people.
Status: Just introduced. Not assigned to a committee yet. No hearing possible until late March.

Continued on page 8

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March Legislative Update

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LLP Position: Support; Lambda Letters is a cosponsor of the bill.

AB ???? (Sheila Kuehl, D–Encino) [Bill number not assigned yet]
Purpose: To allow domestic partners the right to decide whether to have an autopsy performed, make funeral arrangements after the death of a domestic partner, sue for wrongful death and negligent infliction of emotional distress of a partner, and allow reciprocity of registry with other states.
Status: Still to be introduced.
LLP Position: Support.

AB 1712 (Jim Cunneen, R–Campbell)
Purpose: To provide the death penalty, or life in prison without possibility of parole, for intentionally killing a victim because of his or her actual or perceived gender, disability, or sexual orientation.
Status: Introduced in January. Probably will be referred to the Assembly Public Safety Committee.
LLP Position: Oppose unless death penalty is removed from the bill.

AB 1785 (Antonio Villaraigosa, D–Los Angeles)
Purpose: To require school districts to report incidents of hate crimes in their schools and to establish procedures for doing so.
Status: Assigned to the Assembly Public Safety Committee. Will be heard on February 29th.
LLP Position: Support.

AB 1809 (George Runner, R–Lancaster)
Purpose: To establish a statewide hate crimes registry and to require registry of those convicted of serious or violent felonies resulting in death or great bodily injury, certain sex crimes, hate-based crimes (including sexual orientation–based hate crimes) or a property crime against a religious institution resulting in more than $5,000 in damage.
Status: In Assembly Public Safety Committee. No hearing date set yet.
LLP Position: Watch while we get further details. The author has not been a friend in the past. Is a registry the best deterrent to hate crimes?

AB 1851 (John Longville, D–San Bernardino)
Purpose: To provide directions to California courts as to how to process petitions from post-operative transsexuals for recognition of their new sex and new gender-appropriate name.
Status: Introduced in late January. Was referred to the Assembly Health Committee. No hearing date set yet.
LLP Position: Support; Lambda Letters is a sponsor of the bill.

AB 1906 (John Longville, D–San Bernardino)
Purpose: To remover funding restrictions in the Education Code's Hate Violence Protection Act.
Status: Introduced, but not assigned to a committee yet.
LLP Position: Support.

AB 1990 (Gloria Romero, D–Monterey Park)
Purpose: To grant domestic partners the right to make medical decisions for their partners if the partner is hospitalized or incapable of giving informed consent.
Status: Introduced in the Assembly. Not assigned to a committee yet.
LLP Position: Support.

AB 2040 (Kevin Shelley, D–San Francisco)
Purpose: To allow the courts to provide legal parental status to persons who use assistive reproductive technology to bear a child. The bill appears to give parental rights to the non-biological parent in same-sex couples who decide to have children.
Status: Introduced in Assembly. Not assigned to a committee yet.
LLP Position: Tentative support pending additional information.

AB 2047 (Darrell Steinberg, D–Sacramento)
Purpose: To provide inheritance rights through intestate succession for domestic partners when one of the

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March Legislative Update

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partners dies without a will. Also allows domestic partners in such cases to be appointed as administrator of the estate of the deceased partner.
Status: Introduced in late February.
LLP Position: Support.

SB 118 (Tom Hayden, D–Los Angeles)
Purpose: To require employers to grant family and medical leave to employees who need to care for their domestic partners.
Status: Passed by the Senate and the Assembly. Returned to the Senate for concurrence with the changes made in the Assembly.
LLP Position: Support.

SB 1173 (John Vasconcellos D–San Jose)
Purpose: To allow courts to grant reasonable child visitation rights to de facto parents, including domestic partners in cases where the parents of a child have separated.
Status: Assigned to Assembly Judiciary Committee. No hearing date set yet.
LLP Position: Watch. There is some concern that this might be used against biological mothers.

SB 1329 (Betty Karnette, D–Long Beach)
Purpose: To require the State Department of Motor Vehicles to establish a special interest license program and to authorize the program for organizations that do not discriminate on the basis of race, gender, nationality, religion, political party affiliation, or sexual orientation and that submit a financial plan describing how the funds generated by the sale of the plates will be used, and submit a design of the license plate.
Status: Assigned to Senate Transportation Committee. No hearing date set yet.
LLP Position: Support.

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SB 1366 (Dick Monteith, R–Modesto)
Purpose: To direct the issuance of special license plates commemorating the Boy Scouts and directing that proceeds from the sale of these license plates go to the Boy Scouts.
Status: Assigned to the Senate Transportation Committee. No hearing date set yet.
LLP Position: Oppose. This organization discriminates on the basis of sexual orientation.

People of Color Issues

AB 52 (Gil Cedillo, D–Los Angeles)
Purpose: The state runs several health programs that are partially supported with federal funds. Federal law says that neither federal nor state funds can be used to provide these programs to undocumented aliens. Federal law also says that state funding may be used for this purpose if states pass specific legislation to provide these services to undocumented aliens with state funds. This law would do that.
Status: Passed the Assembly and all necessary Senate committees. Awaiting a vote on the Senate floor.
LLP Position: Support.

SB 1326 (Tom Hayden, D–Los Angeles)
Purpose: To require the State Department of Education to develop a human relations school curriculum addressing racism, sexism, homophobia, religious intolerance, and other forms of bigotry. Requires that school districts include the curriculum in their required course of study.
Status: Has been assigned to the Senate Education Committee. Will be heard on March 8th.
LLP Position: Support.

SB 1364 (Patrick Johnston, D–Stockton)
Purpose: Current law prohibits health care professionals and organizations from releasing the results of genetic testing to a third party without the prior written consent of the person tested. This bill stipulates that the prohibition also applies to genetic traits in which the person is asymptomatic for the disease which might result from a genetic trait.
Status: Is in the Senate Judiciary Committee. Hearing scheduled for February 29th. Approval by that committee is considered likely.
LLP Position: Support.

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March Legislative Update

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SB 1389 (Kevin Murray, D–Los Angeles)
Purpose: To require the CA Highway patrol to gather and report data about traffic stops by Highway Patrol officers including the race or ethnicity of the persons stopped.
Status: Assigned to the Senate Public Safety Committee. No hearing date set yet.
LLP Position: Support.

Women's Issues

AB 40 (Howard Wayne, D–San Diego)
Purpose: To establish the Breast Cancer Treatment Program for purposes of providing breast cancer treatment services to uninsured and underinsured women with incomes at or below 200 percent of the federal poverty level. Also to require the State Department of Health Services to administer the program only when the Legislature has appropriated funds for the program.
Status: Passed by the Assembly. Is in the suspense file of the Senate Appropriations Committee. Probably will not be voted on in that committee until late early summer.
LLP Position: Support.

AB 398 (Carole Migden, D–San Francisco)
Purpose: To authorize the sale of bonds to provide funds for government backed affordable housing.
Status: Is in the Senate Housing and Community Development Committee. Assemblymember Migden is negotiating changes needed to get it approved by that committee. No hearing date set yet.
LLP Position: Support.

AB 525 (Sheila Kuehl, D–Encino)
Purpose: To require hospitals, and disability plans that provide health care services, to include information in their promotional materials as to what family planning and reproductive services they provide. This will allow women to make informed decisions when determining which health plan to select.
Status: Passed by the Assembly and assigned to the Senate Insurance Committee. No hearing date set yet.
LLP Position: Support.

Continued on page 12

OUTWORD

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March Legislative Update

Continued from page 10

AB 1713 (Nell Soto, D–Ontario)
Purpose: To provide enhanced penalties for violent felonies that are committed in the presence of or witnessed by a child.
Status: Assigned to the Assembly Public Safety Committee. No hearing date set yet.
LLP Position: Support.

AB 1814 (Ted Lempert, D–Palo Alto)
Purpose: To provide that mothers who are breast feeding their children are exempt from jury duty until they stop breast feeding their children.
Status: Introduced. Not assigned to a committee yet.
LLP Position: Support.

AB 1856 (Sheila Kuehl, D–Encino)
Purpose: To make non-owner, non-supervisory employees liable for harassment of coworkers on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation. Introduced to reverse a State Supreme Court decision that said such harassment by owners or supervisors (but not harassment by coworkers) is prohibited by law.
Status: Assigned to the Assembly Judiciary Committee. No hearing date set yet.
LLP Position: Support.

SB 193 (Richard Polanco, D–Los Angeles)
Purpose: Existing law provides for the Breast Cancer Research Account in the Breast Cancer Fund. Ninety percent of the moneys in the Breast Cancer Research Account is allocated to the Breast Cancer Research Program created at the University of California. This bill would require the State Department of Health Services to offer for sale breast cancer license plates to be sold at a price determined by the department, with the proceeds to be deposited into the Breast Cancer Research Account in the Breast Cancer Fund.
Status: Was passed by the Senate and sent to the Assembly. Is in the Assembly Appropriations Committee. Probably will not be heard until late Spring.
LLP Position: Support.

SB 1154 (Jackie Speier, D–Daly City)
Purpose: To enact the California Breast and Gynecological Cancer Treatment Program, administered by the Managed Risk Medical Insurance Board, to provide treatment services to low-income, underinsured women.
Status: Passed the Senate and its Assembly Policy Committee. Senator Speier is negotiating with Governor Davis' office to seek his support. There may be a vote on the bill in late March or April in the Assembly Appropriations Committee.
LLP Position: Support.

SB 1432 (Deirdre Alpert, D–San Diego)
Purpose: To allow employers to investigate alleged acts of unlawful harassment of one employee by another. The investigation may include consultation with a licensed private investigator or with persons qualified in human resource management.
Status: Introduced. Has not been assigned to a committee yet.
LLP Position: Support.

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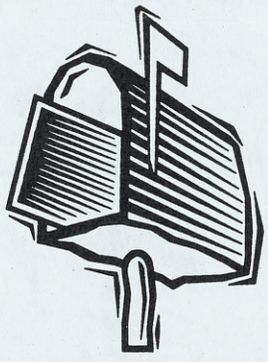

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Life After March 7th

Continued from page 1

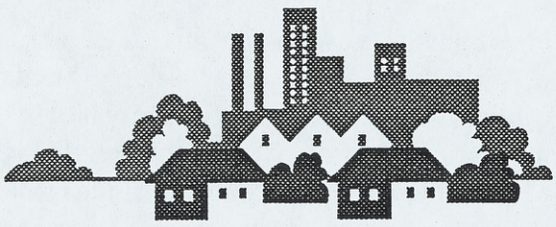
On the other hand, success in passing Proposition 22 would give our opponents the taste of blood. They would, no doubt, seek the repeal of many of the good laws that have been passed in recent years. They might try to do this in either the Legislature or by the initiative process. That prospect makes it all the more important that we preserve and strengthen organizations like the Lambda Letters Project, the California Alliance for Pride and Equality, and others.

Can the Knight Initiative really allow California to refuse to recognize same-gender marriages that occur legally in other states? Again, only time will tell. Judges in our courts are only human and all too often they carry their prejudices into the courts with them. However, Article IV of the U.S. Constitution states pretty clearly that the states must recognize each other's public acts and records. It would be quite a stretch for a judge to say that Article IV does not apply to marriage certificates issued by states outside California.

Several years ago, Congress passed the Defense of Marriage Act. This act said that states do not need to recognize same-gender marriages performed legally in other states. However, that provision arguably is in direct conflict with Article IV of the U.S. Constitution. The Constitution can be amended, but to do so takes a two-thirds vote in each house of Congress, plus ratification by two-thirds of the states. Those things did not happen. So it appears that this act does not relieve California of the obligation to recognize same-gender marriages that occur legally in other states.

Nonetheless, there will almost certainly be raging battles over these issues for some time to come. It really is important to support and strengthen the organizations that are fighting the battles for our community. I hope that you will support Lambda Letters in any way that you can.

###



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Women's Issue

Continued from page 4

Unwelcome patting, hugging, or touching of a person's body, hair, or clothing. Working-class women are more likely to experience physical as well as verbal harassment. With little support from unions, these women endure harassment because they have fewer choices than women in managerial or professional occupations.

Making sexual gestures with hands or through body movements. Women of color and lesbians are seldom believed when they speak up and are especially vulnerable due to their "outsider" status.

Sexual graffiti or visuals. The perception of physical weakness leaves women and girls with disabilities doubly vulnerable to harassment. Girls in "special education" are sometimes abused by the aids and helpers on whom they depend as well as by teachers and schoolmates.

Repeatedly asking for a date after the person has expressed disinterest. Because advancement is often a result of personal prestige, professional women may experience locks on the doors to promotion if they report an incident or object to an individual's advances.

AB 1856 allows women (and the men who bring 10 percent of sexual harassment cases) to seek redress directly from the person who injured them, whether or not the harasser is in a supervisory or employer position.

###

The State of Marriage

Either Vermont or Rhode Island could become the state of marriage for lesbian, gay, bisexual, or transgendered same-gender couples later this year. Bills to approve same-gender marriage have been introduced in the legislatures of both states.

In Vermont five legislators have introduced H 694, which would legalize same-gender marriage in that state. In addition, H 694 specifically states that same-gender marriages will be legal in Vermont even if those people getting married live in another state and will be leaving Vermont after the marriage ceremony.

The bill had extensive hearings in the state's House Judiciary Committee. As of this date the committee has not voted on the bill. Because the Vermont Legislature is a two-house body, the bill would have to be approved by committees in both houses as well as by all the members of each house. Then, of course, it would have to be signed by the governor.

Passage of H 694 is far from certain. However, it is supported by both Republicans and Democrats in the liberal state of Vermont. The introduction of the bill follows a ruling of that state's supreme court that Vermont must provide same-gender couples all the same benefits now accorded to legally married couples. The court left open just how the state was to do this. However, the court also retained jurisdiction over the case that led to its decision. If the state legislature fails to take the necessary action the court could reopen the case. It is certainly possible that the Vermont Legislature will vote to approve same-gender marriage.

In Rhode Island, openly gay Representative Pisaturo has introduced H 7589, which also would permit same-gender marriage. It has been assigned to the House Judiciary Committee of the Rhode Island Legislature. Rep. Pisaturo apparently does not expect the bill to pass this year, but he does hope it will get a hearing in committee.

We will keep you posted on the progress of these bills. By the way, people with access to the Internet can view this legislative list on Lambda Letters' Web page. That list is updated twice a month. Just go to www.lambdaletters.org and click on the Legislative Update button.

###

Immigration Bill Introduced

On Valentine's Day, Representative Jerrold Nadler (D–New York) introduced a bill to allow lesbians, gays, bisexuals, and transgendered people to sponsor their domestic partners from another country for permanent residence in this country. The bill was cosponsored by five Democratic Representatives from California (Becerra, Filner, Lantos, Pelosi, and Waxman).

It has long been legal for heterosexuals to obtain permanent residence for their partners from other countries by marrying them. Marriage, of course, is not an option for same-gender couples, but this law would allow same-gender, binational couples to live together permanently in this country. The bill has been assigned to the U.S. House Judiciary committee where its future is uncertain at this point.

###

LGBT Issue

Continued from page 3

that juveniles constitute over half of all hate crimes offenders. Is it because a law limits the department to assessing only a very narrow list of crimes? No. In fact the law in question, Section 628.5 of the Penal Code, expressly leaves open the possibility of adding crimes not listed in the law itself.

The fact is, the far right has politicized hate crimes and the Department of Education, despite numerous requests that hate crimes be included, has simply failed to act.

Assemblymember Antonio Villaraigosa (D–Los Angeles) has crafted a bill that will no longer leave room for this kind of waffling. Not only does his bill, AB 1785, require that hate crimes be reported, but it goes a step further and requires that *hate incidents* be reported. A "hate incident" is a broader concept and includes the use of bigoted slurs, the posting of hate literature, and other noncriminal hate activity.

This would be an extremely significant advance both in helping schools understand hate and in helping the state respond appropriately to the broader patterns it discovers.

###

Unused Health Benefits

Continued from page 1

by AB 26. Government employees may be missing out on a very good benefit. (I enrolled my partner, Larry, on my plan on January 3rd. I am a retired state employee. Larry had been paying roughly $166 a month for his health insurance. Now we pay just $21 a month for his health and dental insurance and it provides better coverage.)

According to a recent report of the California Citizens Budget Commission, more than 7 million Californians lack health insurance and that number is growing by 50,000 each month. The Commission's report attributed the problem in part to the large number of small employers who do not offer health insurance to their employees. I'm sure there are plenty of state and local government employees in California with domestic partners who could really benefit from the insurance available under AB 26.

There is an old saying, "Use it or lose it." We fought hard to get domestic partner health benefits. It is likely that conservatives will pressure the state legislature to end these benefits. If more people don't take advantage of them, legislators may well say they are not worth fighting for. So we encourage state and local government employees with domestic partners to consider applying for the benefits.

State and local government employees wishing to apply for domestic partner health benefits must complete a Declaration of Domestic Partnership form and a Statement of Financial Liability form. To help people through the process, we have provided copies of each document at the end of this newsletter.

The Declaration of Domestic Partnership form must be notarized and sent, along with $10, to the address shown near the top of the form. The Secretary of State's office will process it and return it to you.

Active state and local government employees wishing to apply for domestic partner health benefits should then take the form, plus the completed Statement of Financial Liability form, to their personnel office. Retired employees should send the forms to Public Employees' Retirement System, PO Box 942714, Sacramento, CA 94229-2714. Enclose a letter saying you wish to have your domestic partner enrolled in your health plan.

Again, to avoid losing this benefit, we encourage as many people as possible to use it.

###

Correction

In our January newsletter we printed a quote and attributed it to Martin Luther. The quote read as follows: "If not me, who? If not now, when?" As it turns out, Rabbi Hillel was the one who originally made that statement. Several of our members pointed this out. Mimi Merrill sent us the following article about Rabbi Hillel:

While Martin Luther said many profound things, "If not me, who? If not now, when?" doesn't happen to be one of them. That gem belongs to Rabbi Hillel (ca. 70 BC – ca. AD 10), who uttered them some fifteen hundred years before Luther's time. Tradition says that this great teacher, a descendant of King David, both preached and practiced charity, humility, patience, and genuine piety. The full text of the statement incorrectly attributed to Martin Luther is this: "If I am not for myself, who is for me? And if I am for myself alone, what then am I? And if not now, then when?"

The sayings ascribed to Hillel bear a remarkable resemblance to the teachings of Christ: "What is unpleasant to thyself that do not to thy neighbor; this is the whole Law, all else is but its exposition. Judge not thy neighbor until thou art in his place." A delightful fable tells of a voice from heaven that made itself heard in a gathering of wise men in Jericho, saying, "Among those present is one who would have deserved the Holy Spirit to rest upon him," and everyone immediately looked towards Hillel.

—Mimi Merrill

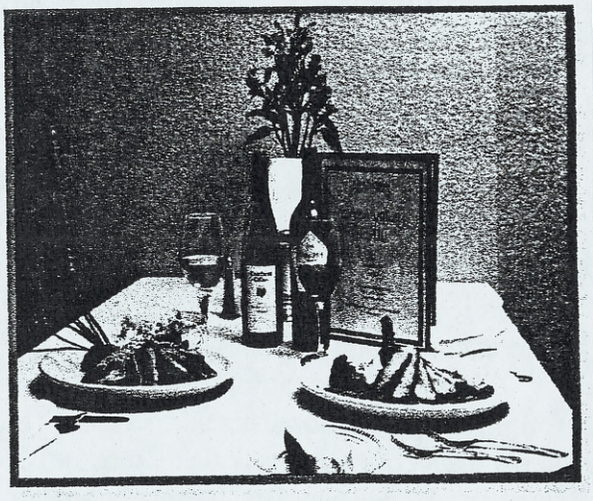
###

Holsworth's Riverwalk Cafe'

at VERONA VILLAGE RESORT

We cordially invite you to *Holsworth's Riverwalk Café* at VERONA VILLAGE RIVER RESORT, 6985 Garden Highway (Behind Sacramento International Airport). We are very fortunate to have *Chef Benn Pasquini*, the **"Yuba City Icon"** and veteran restauranteur. Chef Pasquini will blend California Cuisine and his famous Italian menus into a food lover's delight.

We are open Friday, Saturday for the winter months, with lunch served 11am - 2:30pm and dinner 5:00pm - 10pm. Sundays we feature ***CHAMPAGNE BRUNCH*** starting at 11am and dinner from 4:30 - 8:30pm.



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reimburse the employer, my designated health services plan, and the California Public Employees' Retirement System, for any expenditures made by the employer, my designated health services plan, and the California Public Employees' Retirement System, for medical claims, processing fees, administrative charges, costs, and attorney's fees on behalf of the domestic partner if any of the submitted documentation is found to be incomplete, inaccurate, or fraudulent.

Full Name of Subscriber_____

Signature_____

Full Name of Domestic Partner_____

Signature_____

Full Name of Witness_____

Signature_____

State of California
Bill Jones
Secretary of State

FILE NO: _____

(Office Use Only)

DECLARATION OF DOMESTIC PARTNERSHIP

(Family Code Section 298)

Instructions:

1. **Complete and mail to: Secretary of State, P.O. Box 944225, Sacramento, CA 94244-2250 (916) 653-4984**
2. **Include filing fee of $10.00**

We the undersigned, do declare that we meet the requirements of Section 297 at this time:

We share a common residence;
We agree to be jointly responsible for each other's basic living expenses incurred during our domestic partnership;
Neither of us is married or a member of another domestic partnership;
We are not related by blood in a way that would prevent us from being married to each other in this state;
We are both at least 18 years of age;
We are both members of the same sex or we are both over the age of 62 and meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C Section 1381 for aged individuals;
We are both capable of consenting to the domestic partnership;
Neither of us has previously filed a Declaration of Domestic Partnership with the Secretary of State pursuant to Division 2.5 of the Family Code that has not been terminated under Section 299 of the Family Code.

The representations herein are true, correct and contain no material omissions of fact to our best knowledge and belief. Sign and print complete name (if not printed legibly, application will be rejected.) Signatures of <u>both</u> partners must be notarized.

_____	_____		
Signature	(Last)	(First)	(Middle)
_____	_____		
Signature	(Last)	(First)	(Middle)
_____	_____	_____	_____
Common Residence Address	City	State	Zip Code
_____	_____	_____	_____
Mailing Address	City	State	Zip Code

NOTARIZATION IS REQUIRED
State of California
County of _____

On _____, before me, _____, personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) executed the instrument.

_____
Signature of Notary Public

[PLACE NOTARY SEAL HERE]